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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,244	08/10/1999	PIERGIORGIO BENUZZI	BUG2106	4118

7590

04/11/2003

FAY SHARPE BEALL  
FAGAN MINNICH & MCKEE  
1100 SUPERIOR AVENUE  
SUITE 700  
CLEVELAND, OH 441142518

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/11/2003

*23*

Please find below and/or attached an Office communication concerning this application or proceeding.

P.R.

**Office Action Summary**

Application No.

09/367,244

Applicant(s)

BENUZZI, PIERGIORGIO

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>22</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6, 8-10, 12-14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5-6, 8-10 and 12-14 recite the limitation " the pickup element ". There is insufficient antecedent basis for this limitation in the claim.

In claims 8 and 12, it is not clear what "the one labeled (161)" encompasses.

In claim 17, line 12, it is not clear what "said drive means" encompasses. Figures illustrate two different drive means to perform the movement of the pickup elements in different direction.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 7, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ess in view of Kindgren et al.

Ess discloses (Fig. 8) the invention substantially as claimed including a horizontal table 12, at least one panel 20, at least one movable device 15, a feed direction, a sawing device/a single lengthways cutting axis 10, rotation device (see Fig.5), a plurality of pickup elements 17, guides, drive means and vertical direction (see col.4, line 4-8). Ess doesn't show drive means to move at least one of the pickup elements in a horizontal direction independently of the other pickup elements. However, Kindgren teaches the use of drive means to move pickup elements 27-28 in a horizontal direction independently of each other for the purpose of moving the clamps themselves during adjustment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ess's movable device by providing drive means to move pickup elements in the horizontal direction independently of the other pickup elements as taught by Kindgren in order to obtain work clamps automatically adjusted along the carriage with a relative simple and economical apparatus for physically moving the work clamps themselves during the adjustment.

5. Claims 5, 8-9, 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ess in view of Kindgren et al. as applied to claims 1, 7 and 11 above, and further in view of foreign patent no. 2694516.

The modified device of Ess discloses (Fig. 8) the invention substantially as claimed except for drive means movable in both the feed direction and the direction opposite to the feed direction relative to the movable device. However, foreign patent no. 2694516 teaches the use of drive means (Fig. 4-5) movable in both the feed direction and the direction opposite to the feed direction relative to the movable device for the purpose of optimizing the cut. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ess's movable device by providing drive means movable in both the feed direction and the direction opposite to the feed direction relative to the movable device as taught by foreign patent' 516 in order to obtain device to optimize the cut.

*Allowable Subject Matter*

6. Claims 6, 10, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant argues that Kindgren does not disclose "the carriage be equipped with drive means for laterally shifting the clamps". The examiner considers that Kindgren discloses the carriage be equipped with drive means 32-36 for laterally shifting the clamps (see Fig. 4-7). Also, applicant argues that Kindgren's clamps are not moved laterally by drive means relative to the carriage. The examiner agrees, but the above limitations are missing from claim 1.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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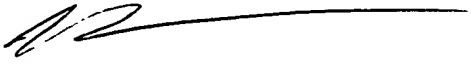
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ofs  
April 5, 2003



KENNETH E. PETERSON  
PRIMARY EXAMINER